

BOARD OF SUPERVISORS
COUNTY OF YORK
YORKTOWN, VIRGINIA

Resolution

At a regular meeting of the York County Board of Supervisors held in the Board Room, York Hall, Yorktown, Virginia, on the ____ day of ____, 2000:

Present

Vote

Walter C. Zaremba, Chairman
James S. Burgett, Vice Chairman
Sheila S. Noll
Donald E. Wiggins
Melanie L. Rapp

On motion of _____, which carried ____, the following resolution was adopted:

A RESOLUTION DIRECTING THE ACQUISITION OF REAL PROPERTY BY CONDEMNATION, OR OTHER MEANS, AND APPROVING THE PROPOSED PUBLIC USE THEREFOR, AND AMENDING RESOLUTION R99-228 ADOPTED DECEMBER 1, 1999.

WHEREAS, the Board desires to purchase a parcel of real estate consisting of approximately 0.88 acres owned G-Square, Inc., and located at 400 Water Street in Yorktown, identified on the County's tax map as parcel 18 A-09-00-00A1; and

WHEREAS, the Board desires to incorporate the property into the proposed development of the Yorktown Waterfront as public parking, or as a public park or plaza or as a place for public assembly and activity, or such other public use as the Board may determine best incorporates the property into the overall scope and intent of the Yorktown Wharf Area Improvement Plan previously approved by this Board, for the benefit of individuals using the facilities at the Yorktown Waterfront or patronizing any of the businesses which may now or in the future be located at or adjacent to the waterfront; and

WHEREAS, on December 1, 1999, this Board adopted resolution R99-228 which authorized the acquisition of the property by condemnation or by other means, and in the resolution identified public parking as the only proposed public use for this property, and this Board now desires to approve a more inclusive public use as is stated in the preceding paragraph; and

WHEREAS, the Board deems that the acquisition of the property, and its utilization as stated, constitutes a valid public purpose necessitating the acquisition of the property; and

WHEREAS, the owner of the property has refused an offer made by the County Administrator, which offer is deemed by this Board to represent fair and adequate consideration for the parcel.

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this ____ day of _____, 2000, that this Board does hereby modify and approve the proposed public use of the property as described above, and hereby modifies Resolution R99-228 to the extent inconsistent herewith.

BE IT FURTHER RESOLVED that this Board directs the County Administrator and the York County Attorney to take such actions as may be required to acquire the property for such public use by condemnation or by other means. The County Administrator and the County Attorney are hereby authorized, without limitation, to institute appropriate condemnation proceedings in the York County Circuit Court for condemnation of the property, or to amend any condemnation petitions previously filed in order to properly plead the proposed public use for the property as is set out herein, and to pay into the Court such amounts as may be determined to be the fair market value of the property together with any other damages or costs which the Court may assess, or to accept and record a deed from the owner in lieu of condemnation.